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David Rees AM
Chair, External Affairs and Additional Legislation Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

Monday 22 October 2018

CC: Alun Davidson

Dear Chair,

As part of your ongoing Inquiry, *Wales' future relationship with Europe - Part Two*, we would like to draw your attention to a newly formed civil society group, Wales Civil Society Forum on Brexit (the Forum).

Set up in summer 2018, the Forum is an initiative developed in partnership between the Wales Council for Voluntary Action (WCVA) and Cardiff University's Wales Governance Centre (WGC), and funded by The Legal Foundation and Lloyds Bank Foundation. Over 40 third sector organisations, including charities and social enterprises, have come together from across Wales to map out what matters most to them, the implications of Brexit on their work and what decision makers must safeguard - during negotiations and post Brexit.

Given that your Inquiry's terms of reference include identifying the support Welsh Government should provide "to trade associations and civil society", we believe our Brexit Position Statement will make for interesting, if not vital, reading. With this in mind, we are providing you with an advance (embargoed) copy to circulate confidentially to Committee Members. This document will be updated regularly as more organisations feed into the initiative.

You will see from the attached document (embargoed until 24/10/18) that third sector organisations attending the Forum are keen to see decision makers adhering to some general principles, such as respecting devolution and allowing for proper scrutiny of any new (post-Brexit) secondary legislation. Moreover, common concerns relate to four specific areas, including funding; the environment and animal welfare; human rights and equality; and immigration.

Should you wish to receive more detail about the Forum's work to date, its plans between now and April 2019 or wish to attend one of our future meetings between now and April 2019, then do please get in touch directly with us or the coordinator, Charles Whitmore at: whitmorecd@cardiff.ac.uk

Yours,

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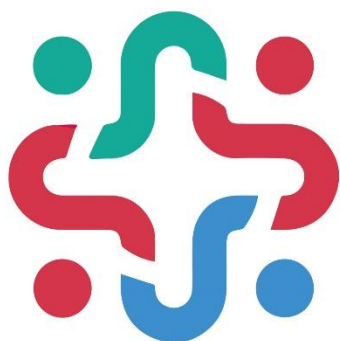
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sites.cardiff.ac.uk/wgc

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Fforwm Cymdeithas Sifil Cymru ar Brexit

Wales Civil Society
Forum on Brexit

Position Statement

Third sector organisations participating in the Forum have identified **the following principles and concerns** which they believe must underpin and inform Brexit policy and the relevant decision-making processes. These have emerged from a series of events where organisations have led discussions about the implications of Brexit for their respective sectors.

Cross-cutting principles

- **Respect devolution:** the unique needs and characteristics of Wales must be respected by Brexit and all post-Brexit policy, including Brexit Bills and future trade agreements. The sector remains concerned that new trade agreements risk undermining many aspects of devolved policy-making including farming, the NHS, education, culture and the environment.
- **Ensure Communication:** there must be increased opportunities for communication between civil society and the Welsh and UK Governments, as this has been a point of frustration for many organisations.
- **Ensure Transparency:** the sector remains highly concerned by the lack of information or the lateness which it is provided and calls for an increase in the flow of information from Governments, particularly on how intergovernmental cooperation will function across policy areas under the Intergovernmental Agreement.
- **Safeguards and scrutiny:** proper scrutiny over the powers given by Brexit legislation to use secondary legislation must be ensured and any changes to the equality and human rights legal framework must be overseen by Parliament. The sector is also calling for more power to scrutinise and input into the negotiation of trade agreements to be given to the devolved administrations.

Replacement funding

Under the current EU Structural Funds programme, the third sector in Wales is leading multiple projects worth in excess of £90million and many more organisations are accessing EU funds through a number of frameworks and contracts. This, and wider philanthropic investment from within the EU are supporting the sector to help people into work, gain new skills and is assisting the growth of multiple social businesses.

The proposed UK Shared Prosperity Fund should be:

- **Ringfenced funding for tackling poverty, social exclusion and supporting environmental causes:** The current EU Structural Funds' programme supports multiple initiatives which contribute to the social and economic regeneration of Wales' most deprived regions, as well as supporting the preservation of the environment. Initiatives that would unlikely be funded through domestic sources.
- **Shaped and informed by those it's intended for:** The successor fund should be developed following meaningful consultation with potential beneficiaries and those who deliver frontline services to support them.
- **Should be devolved to a Welsh body:** A UK Government managed fund would circumvent the structures and systems which currently enable the third sector to influence the direction, spend and management of the Structural Funds in Wales. The UKSPF should be underpinned by equal representation from the Welsh public, private and third sectors, in both strategic management and delivery, to support the co-production of activities that build resilience and prosperity within Wales' most deprived communities.
- **Should match current levels of EU Structural funding:** Any loss of funding will have a disproportionate impact in Wales owing to the higher levels of reliance on ESIF funds. Commitment should be given to matching funding levels and increasing them in the long-term. The UK Government should also provide resources to replace CAP funding without reductions in funding levels.

Other sources of EU funding should also be replaced: The Welsh and UK Governments must live up to the promise that Wales will 'not be a penny worse off' as a result of Brexit. They should therefore ensure that all funding from EU programmes benefiting Wales are replaced. This includes but is not limited to money for territorial cooperation, from Creative Europe, and the EU LIFE programme which has been particularly important for nature conservation in Wales.

The Environment and Animal Welfare

- **Guarantee non-regression:** Commitments to not going below current environmental and animal welfare standards should be given and respected, including through trade agreements.
- **Ensure progression:** When replacing EU CAP payments and implementing other post-Brexit changes, these should be used as an opportunity to improve environmental and animal welfare standards and ensure the delivery of public benefits, including social outcomes in Wales.
- **Ensure no governance gaps emerge:** Any new UK wide and devolved governance mechanisms such as the environmental watchdog provided for by the European Union (Withdrawal) Act 2018 to replace the functions of the European Commission must be equipped such as to ensure that no gaps emerge because of Brexit and that specific devolved legislation and interests are fully recognised and accounted for.

Human Rights and Equality

The Forum recognises that Brexit represents a serious risk to human rights and equality in the UK and in Wales. The Forum is concerned by the UK's withdrawal from the EU Charter of Fundamental Rights (the EU Charter), particularly as the economic and social rights it protects are under-prioritised in the UK, especially during austerity.

- **Ensure continued commitment to human rights:** Organisations are concerned by a potential loss of interest in human rights and decision makers should commit to ensuring that these remain central to Brexit and post-Brexit public policy in Wales and at the UK level. The Welsh Government is called on to secure a domestic legal status for the EU Charter through specific Wales-only legislation giving 'due regard' to the instrument across public policy. The Well-being of Future Generations (Wales) Act is insufficient to protect human rights in Wales from the risks created by Brexit and new legislative human rights options should be investigated. Continued commitment to international human rights instruments must also be given.
- **Protect human rights and equality:** The human rights of disadvantaged and already discriminated social groups must not be allowed to be negatively affected by Brexit. Human rights must be safeguarded. Brexit is already having a very real human impact: from increases in hate crime to increased uncertainty about citizenship status and belonging in Welsh society. This needs to be acknowledged and acted on by decision makers.
- **Guarantee non-regression and progression of human rights:** people must not lose out on human rights and advances in equality that they have, or would have gained through membership of the EU. The Welsh Government should seek to ensure that the UK keeps pace with the EU where there are advances in human rights or equality protections. The Welsh Government should seek to implement in Wales any new advances made by the EU. The Welsh and UK Governments should also ensure proper attention to and safeguards against the lowering of human rights standards in future trade policy and negotiations.
- **Provide enforcement mechanisms:** the UK possesses no constitutional guarantees to prevent regression of the human rights guaranteed as a result of EU membership. Brexit will mean the loss of protection of human rights and equality afforded by the Court of Justice of the EU. The Welsh Government should seek to ensure that new mechanisms are developed, by the UK government or in Wales, that enable individuals to rely on their human rights in court. The Welsh Government should examine alternative non-court-based mechanism to enable individuals to seek redress for human rights or equality violations.

Immigration and EU citizens

- **Safeguard migrant communities:** Decision makers must address the risks to the rights and wellbeing of EU citizens and migrant communities within Wales. These include risks created by the EU Settlement Scheme to vulnerable individuals, increases in hate crime towards migrant communities, and the risks to workers and labour rights posed by any future post-Brexit immigration policy, such as tied/employer-sponsored seasonal and temporary visas or deregulation of workers' rights.

- **Ensure proper outreach:** Efforts must be made to ensure that the EU Settlement Scheme reaches as many people as possible, including vulnerable individuals, and contingency plans must be put into place to ensure that those who are unable to participate do not suffer any negative consequences. Third sector participation in this operation must be properly resourced.
- **Protect social-cohesion:** Action is needed to address the hostility, and resulting harm, towards migrant communities as a result of the narratives generated by Brexit.
- **Fully recognise immigrants' contributions:** Recognition should be given to the valuable contributions made by EU citizens and migrant communities to the workforce in Wales (many of whom work in fields which support some of society's most vulnerable). Decision makers should investigate how to ensure that Wales remains an attractive place to work so that those sectors which rely on these contributions do not suffer sustainability concerns.

The Forum is a joint initiative by **Cardiff University's Wales Governance Centre** and **Wales Council for Voluntary Action (WCVA)**, funded by the **Legal Education Foundation**.



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This statement has been informed by discussions with the following organisations participating in the project and will be updated regularly:

Welsh Centre for International Affairs	WWF Cymru	Trade Justice Movement
Learning Disability Wales	All Wales People First	RSPB
Disability Wales	Cardiff Third Sector Council	Wales for Europe
Chwarae Teg	The Architectural Heritage Fund	Ethnic Minorities & Youth Support Team Wales
Churches in Wales	North Wales Regional Equality Network	Wales Assembly of Women
Royal National Institute of Blind People	Ramblers Cymru	Welsh Refugee Council
Cytun	Neath Port Talbot Council For Voluntary Service	Wales Environment Link
RSPCA	Show Racism the Red Card	Bevan Foundation
The Wallich	All Wales Forum of Parents and Carers	Chem Trust
Race Council Cymru	Unlock Democracy	Women's Equality Network
National Federation of Women's Institutes	Focus on Labour Exploitation	New Philanthropy Capital
Learned Society of Wales	Children in Wales	Human Rights Consortium
The Wallich		The 3 Million
		The Brexit Civil Society Project